

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

COMPUWARE CORPORATION,

a Michigan corporation,

Plaintiff,

v.

OPNET TECHNOLOGIES, INC.,

a Delaware corporation,

Defendant.

Case No. 2:04CV73749

Judge Anna Diggs Taylor

ANSWER

Defendant OPNET Technologies, Inc. (“OPNET”) submits this Answer to the Complaint (“Complaint”) filed by Plaintiff Compuware Corporation (“Compuware”). To the extent not specifically admitted in the following paragraphs, the allegations of the Complaint are denied:

THE PARTIES AND JURISDICTION

1. OPNET is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1.
2. Admitted.
3. Paragraph 3 expresses a legal conclusion to which no response is required.
4. Paragraph 4 is a statement of jurisdiction to which no response is required.
5. Paragraph 5 is a statement of venue to which no response is required.

COUNT I

PATENT INFRINGEMENT UNDER 35 U.S.C. § 271

6. OPNET admits that Compuware is listed on the face of U.S. Patent No. 6,219,050 B1 (the “’050 patent”) as the assignee. OPNET further admits that the ’050 patent is titled “Bounce Diagram: A User Interface for Graphical Exploration of Packet Trace Information” and bears the issue date of April 17, 2001. OPNET further admits that a copy of the ’050 patent was attached to the complaint as Exhibit A. OPNET lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations of Paragraph 6.

7. OPNET admits that it makes, uses, sells, and offers for sale computer software products, including IT Guru and ACE. OPNET denies the remaining allegations of Paragraph 7.

8. OPNET denies that Compuware is entitled to the relief requested or any other relief.

COUNT II

PATENT INFRINGEMENT UNDER 35 U.S.C. § 271

9. OPNET admits that Compuware is listed on the face of U.S. Patent No. 6,393,480 B1 (the “’480 patent”) as the assignee. OPNET further admits that the ’480 patent is titled “Application Response Time Prediction” and bears the issue date of May 21, 2002. OPNET further admits that a copy of the ’480 patent was attached to the complaint as Exhibit B. OPNET lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations of Paragraph 9.

10. OPNET admits that it makes, uses, sells, and offers for sale computer software products, including IT Guru. OPNET denies the remaining allegations of Paragraph 10.

11. OPNET denies that Compuware is entitled to the relief requested or any other relief.

COUNT III

PATENT INFRINGEMENT UNDER 35 U.S.C. § 271

12. OPNET admits that Compuware is listed on the face of U.S. Patent No. 6,584,501 B1 (the “’501 patent”) as the assignee. OPNET further admits that the ’501 patent is titled “Method to Display Information Representing Network Traffic on a Computer Display Monitor” and bears the issue date of June 24, 2003. OPNET further admits that a copy of the ’501 patent was attached to the complaint as Exhibit C. OPNET lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations of Paragraph 12.

13. OPNET admits that it makes, uses, sells, and offers for sale computer software products, including IT Guru and ACE. OPNET denies the remaining allegations of Paragraph 13.

14. OPNET denies that Compuware is entitled to the relief requested or any other relief.

15. Denied.

PRAYER FOR RELIEF

OPNET denies that Compuware is entitled to the relief requested or any other relief.

WHEREFORE, OPNET respectfully requests that this Court enter judgment in favor of Defendant OPNET and against Plaintiff Compuware, together with an award of costs and attorney fees.

DEFENDANT OPNET'S AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT

FIRST DEFENSE

The Complaint fails to state a claim upon which relief may be granted.

SECOND DEFENSE

Each claim of the '050 patent is invalid under 35 U.S.C. §§ 101, 102, 103, and

112.

THIRD DEFENSE

Each claim of the '480 patent is invalid under 35 U.S.C. §§ 101, 102, 103 and

112.

FOURTH DEFENSE

Each claim of the '501 patent is invalid under 35 U.S.C. §§ 101, 102, 103, and

112.

Respectfully submitted,

Howard & Howard

s/ Robert A. Marsac
11th Floor Buhl Building
535 Griswold Street
Detroit, MI 48226
(313) 962-0643
rmarsac@howardandhoward.com
P17114

Paul J. Berman
Keith A. Teel
Anthony Herman
Scott C. Weidenfeller
COVINGTON & BURLING
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
202-662-6000
Attorneys for Defendant

Dated: November 24, 2004

CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2004, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Ernie L. Brooks
Thomas A. Lewry
Robert C.J. Tuttle

Respectfully submitted,

Howard & Howard

s/ Robert A. Marsac
11th Floor Buhl Building
535 Griswold Street
Detroit, MI 48226
(313) 962-0643
rmarsac@howardandhoward.com
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